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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/759,141

01/20/2004

Takashi Ueda

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EXAMINER

HAMZA, FARUK

ART UNIT

PAPER NUMBER

2455

NOTIFICATION DATE

DELIVERY MODE

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ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/759,141	<b>Applicant(s)</b> UEDA, TAKASHI	
	<b>Examiner</b> FARUK HAMZA	<b>Art Unit</b> 2455	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 August 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) 10-16, 24 and 25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 17-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>01/20/04, 07/21/06</u> .                                      | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This action is responsive to the communication filed on August 05, 2008. Claims 10-16 and 24-25 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made without traverse in the reply filed on August 05, 2008. Claims 1-25 are pending.

#### ***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on January 20, 2004 and July 21, 2006, is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

#### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 17-23 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 17-23 are rejected as computer programs per se, i.e., the descriptions or expressions of the programs. Such programs are not physical "device or structure" nor are they statutory processes, as they are not "acts" being performed. The computer programs do not define any structural and functional interrelationships between the computer program and other claimed aspects of the invention which permit the computer program's functionality to be

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realized. In contrast, a claimed computer-readable medium encoded with a computer program defines structural and functional interrelationships between the computer program and the medium which permit the computer program's functionality to be realized, and is thus statutory.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-5 and 17-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Matsushima (U.S. Patent Number 7,042,593 B2) hereinafter referred as Matsushima.

Matsushima teaches the invention as claimed including a image processing device is a digital multifunction device, at which are provided a facsimile device application, a printer application, a copier application, or when there are problems with the network environment, image data and bibliography information, which are stored in a mass storage device, are selectively transferred to an external device in accordance with the respective applications and the network environment (abstract).

As to claim 1, Matsushima teaches a control apparatus comprising:

a receiver "fig. 3, 36" to receive command data "Http request" described in an extensible markup language (Column 8, lines 4-15, fig. 9, Matsushima discloses receiving Http request in XML by network I/F control section);

an analyzer "fig. 3, 39" to analyze said command data (fig. 7, s13, Column 8, lines 4-7, Matsushima discloses command analyzer) ; and

a controller "fig. 3, 38", when an element in which a control code is defined in a tag is detected from said command data by said analyzer, to execute a process which is preliminarily associated with the control code defined in the tag of said element (Fig. 7, Column 8, lines 25-34, Matsushima discloses detecting print order in XML and executing the printing process).

As to claim 2, Matsushima teaches the control apparatus according to claim 1, wherein the element in which the control code is defined in said tag is constituted only by the tag (fig. 9, Column 8, lines 29-37).

As to claim 3, Matsushima teaches the control apparatus according to claim 1, further comprising:

a response data generator "fig. 3, 34" to generate response data obtained by describing, in the extensible markup language, an element having said control code defined in a tag and a result of execution of said process as data (Fig. 5, Column 7, lines 19-30).

As to claim 4, Matsushima teaches the control apparatus according to claim 3, further comprising:

a response portion to transmit the response data generated by said response data generator to an apparatus which has transmitted said command data (Fig. 9).

As to claim 5, Matsushima teaches the control apparatus according to claim 1, further comprising:

an image forming device to form an image on a recording medium (Fig. 1, 1, Column 4, lines 56-66).

As to claim 17, Matsushima teaches a control program product to make a computer execute the steps of:

receiving command data described in an extensible markup language (Column 8, lines 4-7, fig. 9, Matsushima discloses receiving Http request in XML by network I/F control section);

analyzing said command data (fig. 7, s13, Column 8, lines 4-7, Matsushima discloses analyzing command); and

when an element in which a control code is defined in a tag is detected from said command data by said analyzing step, executing a process which is preliminarily associated with the control code defined in the tag of said element (Fig. 7, Column 8, lines 25-34, Matsushima discloses detecting print order in XML and executing the printing process).

As to claim 18, Matsushima teaches the control program product according to claim 17, wherein the element in which the control code included in said command data is defined in said tag is constituted only by the tag (fig. 9).

As to claim 19, Matsushima teaches the control program product according to claim 17, further comprising the step of:

transmitting response data described in the extensible markup language, including an element having said control code defined in the tag and having a result of execution of said process as data to an apparatus which has transmitted said command data (Fig. 9, Column 8, lines 29-37).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 6-9 and 20-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsushima and further in view of Miyoshi et al. (U.S. Patent Number 7,180,616 B2) hereinafter referred as Miyoshi.

Matsushima teaches the invention substantially as claimed including a image processing device is a digital multifunction device, at which are provided a facsimile device application, a printer application, a copier application, or when there are problems with the network environment, image data and bibliography information, which are stored in a mass storage device, are selectively transferred to an external device in accordance with the respective applications and the network environment (abstract).

As to claim 6, Matsushima teaches the control apparatus according to claim 1.

Matsushima does not explicitly teach the claim limitation of a Web page transmitter to transmit a Web page including an input screen for inputting a control code.

However, Miyoshi teaches a printing system for printing a web page and printing method using the printing method that initiates printing without requiring long wait after a print command is transmitted. Miyoshi teaches the claim limitation of a Web page transmitter to transmit a Web page including an input screen for inputting a control code (Column 5, lines 54-Column 6, lines 7).

It would have been obvious to the ordinary skill in the art at the time of the invention to modify Matsushima by adding feature for a web page transmitter to transmit a web page including an input screen for inputting a control code, which would provide a printing system for printing a web page that requires no long wait after a print command is transmitted. One would be motivated to do such to enhance system's performance.

As to claim 7, Matsushima teaches the control apparatus.

Matsushima does not explicitly teach the claim limitation of Web page includes a display portion to display said input screen.

However, Miyoshi teaches a printing system for printing a web page and printing method using the printing method that initiates printing without requiring



long wait after a print command is transmitted. Miyoshi teaches web page includes a display portion to display said input screen (Fig. 3).

It would have been obvious to the ordinary skill in the art at the time of the invention to modify Matsushima by adding feature for a web page transmitter to transmit a web page including an input screen for inputting a control code, which would provide a printing system for printing a web page that requires no long wait after a print command is transmitted. One would be motivated to do such to enhance system's performance.

As to claim 8, Matsushima teaches the control apparatus.

Matsushima does not explicitly teach the claim limitation Web page includes a command generator to generate said command data in accordance with data inputted via said input screen.

However, Miyoshi teaches a printing system for printing a web page and printing method using the printing method that initiates printing without requiring long wait after a print command is transmitted. Miyoshi teaches Web page includes a command generator to generate said command data in accordance with data inputted via said input screen (Fig. 3, Column 5, lines 34-53).

It would have been obvious to the ordinary skill in the art at the time of the invention to modify Matsushima by adding feature for a command generator to generate said command data in accordance with data inputted via said input screen, which would provide a printing system for printing a web page that

requires no long wait after a print command is transmitted. One would be motivated to do such to enhance system's performance.

As to claim 9, Matsushima teaches the control apparatus.

Matsushima does not explicitly teach the claim limitation a command transmitter to transmit said generated command data.

However, Miyoshi teaches a printing system for printing a web page and printing method using the printing method that initiates printing without requiring long wait after a print command is transmitted. Miyoshi teaches a command transmitter to transmit said generated command data (Fig. 3, Column 5, lines 34-53).

It would have been obvious to the ordinary skill in the art at the time of the invention to modify Matsushima by adding feature for a command transmitter to transmit said generated command data, which would provide a printing system for printing a web page that requires no long wait after a print command is transmitted. One would be motivated to do such to enhance system's performance.

As to claim 20, Matsushima teaches control program product according to claim 17.

Matsushima does not explicitly teach the claim limitation of a Web page transmitter to transmit a Web page including an input screen for inputting a control code.

However, Miyoshi teaches the claim limitation of a Web page transmitter to transmit a Web page including an input screen for inputting a control code (Column 5, lines 54-Column 6, lines 7).

It would have been obvious to the ordinary skill in the art at the time of the invention to modify Matsushima by adding feature for a web page transmitter to transmit a web page including an input screen for inputting a control code, which would provide a printing system for printing a web page that requires no long wait after a print command is transmitted. One would be motivated to do such to enhance system's performance.

As to claim 21, Matsushima teaches the control apparatus.

Matsushima does not explicitly teach the claim limitation of Web page includes a display portion to display said input screen.

However, Miyoshi teaches a printing system for printing a web page and printing method using the printing method that initiates printing without requiring long wait after a print command is transmitted. Miyoshi teaches web page includes a display portion to display said input screen (Fig. 3).

It would have been obvious to the ordinary skill in the art at the time of the invention to modify Matsushima by adding feature for a web page transmitter to transmit a web page including an input screen for inputting a control code, which would provide a printing system for printing a web page that requires no long wait after a print command is transmitted. One would be motivated to do such to enhance system's performance.

As to claim 22, Matsushima teaches the control apparatus.

Matsushima does not explicitly teach the claim limitation Web page includes a command generator to generate said command data in accordance with data inputted via said input screen.

However, Miyoshi teaches a printing system for printing a web page and printing method using the printing method that initiates printing without requiring long wait after a print command is transmitted. Miyoshi teaches Web page includes a command generator to generate said command data in accordance with data inputted via said input screen (Fig. 3, Column 5, lines 34-53).

It would have been obvious to the ordinary skill in the art at the time of the invention to modify Matsushima by adding feature for a command generator to generate said command data in accordance with data inputted via said input screen, which would provide a printing system for printing a web page that requires no long wait after a print command is transmitted. One would be motivated to do such to enhance system's performance.

As to claim 23, Matsushima teaches the control apparatus.

Matsushima does not explicitly teach the claim limitation a command transmitter to transmit said generated command data.

However, Miyoshi teaches a printing system for printing a web page and printing method using the printing method that initiates printing without requiring long wait after a print command is transmitted. Miyoshi teaches a command

transmitter to transmit said generated command data (Fig. 3, Column 5, lines 34-53).

It would have been obvious to the ordinary skill in the art at the time of the invention to modify Matsushima by adding feature for a command transmitter to transmit said generated command data, which would provide a printing system for printing a web page that requires no long wait after a print command is transmitted. One would be motivated to do such to enhance system's performance.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Deryugin et al. (U.S. Patent Number 6,985,943) discloses method for management of state and interaction of a remote knowledge worker.
- Gacek (U.S. Patent Number 6,795,205) discloses third-party authorization for home-based printing.
- Meyer et al. (U.S. Patent Number 6,289,378) discloses web browser remote computer management system.
- Sekiguchi (U.S. Patent Number 6,870,555) discloses method for remotely operating plurality of information devices.
- Jodra et al. (U.S. Patent Number 7,191,237) discloses automatic registration of receiving device on a remote printing application.

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- Bergstrand (U.S. Patent Number 7,184,159) discloses architecture for printing via the Internet.
- Onyeabor (U.S. Patent Number 6,631,512) discloses method for web page development, deployment and download.
- Naito (U.S. Patent Number 7,317,549) discloses method for processing information acquired through network.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Faruk Hamza whose telephone number is 571-272-7969. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached at 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 886-217-9197 (toll –free).

/Faruk Hamza/  
Examiner, Art Unit 2455

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